



JPW

Docket No.: 21147 (C038435/0178882)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Sakayu SHIMIZU and Masaru WADA) Examiner: Mohammad Y. Meah
Serial No.: 10/505,314) Art Unit: 1652
Filed: April 11, 2005)
For: **PROCESS FOR PRODUCING
LEVODIONE**

New York, New York
November 3, 2005

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed October 12, 2005, which set a one-month shortened statutory period for response. Accordingly, this response is filed timely upon mailing, with an executed certificate of mailing, on or before November 14, 2005, because November 12, 2005 falls on a Saturday. 37 CFR §§ 1.7 and 1.8. No fee is believed to be due. If it is determined that a fee is due, please charge such fee to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

On page 2 of the Office Action, the Examiner issued a two-way restriction requirement pursuant to 35 USC §§ 121 and 372. The restriction divided the claims into the following allegedly distinct inventions: Group I (claims 1-9 and 19) "drawn to

process for producing levodione by NADPH dehydrogenase enzyme" and Group II (claims 10-17 and 20-21) "drawn to process for producing levodione by transformed microorganism expressing NADPH dehydrogenase enzyme." (Paper No. 111105 at 2).

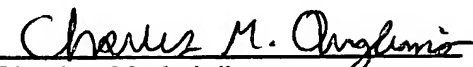
In accordance with restriction practice, the subject matter of claims 10-17 and 20-21 (Group II) is hereby elected for prosecution with traverse.

If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on November 3, 2005.


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Respectfully submitted,

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